

REMARKS

The Office Action mailed May 15, 2007 has been received and reviewed. Claims 1-36 are pending. Claims 1, 11, and 22 have been amended herein. Care has been exercised to introduce no new matter, for example, at ¶ [0032]. Reconsideration of the rejection of all claims and allowance are earnestly solicited in view of the following remarks.

Rejections based on 35 U.S.C. § 103

A.) Applicable Authority

The basic requirements of a *prima facie* case of obviousness are summarized in MPEP §2143 through §2143.03. In order “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)”. MPEP §2143. Further, in establishing a *prima facie* case of obviousness, the initial burden is placed on the Examiner. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 972, (Bd. Pat App. &

Inter. 1985).” *Id.* See also MPEP §706.02(j) and §2142. Recently, the Supreme Court elaborated, at pages 13-14 of *KSR*, it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, 127 S. Ct. 1727.

B.) Obviousness Rejection Based on U.S. Patent No. 6,112,015 (“Planas”); U.S. Patent No. 5,570,412 (“LeBlanc”); U.S. Patent No. 7,020,696 (“Perry”); and U.S. Patent No. 5,821,937 (“Tonelli”).

Claims 1-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Planas, LeBlanc, Perry, and Tonelli. Applicant respectfully traverses this because the prior art does not teach or suggest the limitations of claims 1, 11, and 22.

With respect to independent claim 1, as amended, Applicants respectfully submit that the cited prior art, including Planas, LeBlanc, Perry, and Tonelli, fail to describe, among other things, the following claim limitations: “providing a graphical user interface permitting the user to select at least one vendor from the at least one vendors who own installed telecommunication cable in the metropolitan area and at least one node from the at least one nodes of the types associated with telecommunication cable in the metropolitan area; receiving user input selecting at least one of the vendors who own installed telecommunication cable in the metropolitan area; [. . .] generating a display layer graphically illustrating the vendor information for the installed telecommunication cable of each of the vendors selected by the user; [and] displaying the display layer graphically illustrating the metropolitan area and the display layers graphically illustrating

the vendor information for the installed telecommunication cable of each of the least one vendors selected by the user.”

With respect to independent claim 11, as amended herein, Applicants respectfully submit that the cited prior art, including Planas, LeBlanc, Perry, and Tonelli, fail to describe, among other things, the following claim limitations: “displaying a list of vendors who own installed high bandwidth telecommunication cable in the selected metropolitan area; receiving user input selecting at least one vendor from the list of vendors who own installed high bandwidth telecommunication cable in the selected metropolitan area; [. . . and] displaying the electronic maps of the installed high bandwidth telecommunication cable owned by each of the selected vendors over the map of the selected metropolitan area.”

With respect to independent claim 22, as amended herein, Applicants respectfully submit that the cited prior art, including Planas, LeBlanc, Perry, and Tonelli, fail to describe, among other things, the following claim limitations: “displaying a list of the vendors who own installed high bandwidth telecommunication cable in the selected metropolitan area; receiving user input selecting at least one vendor from the list of vendors who own installed high bandwidth telecommunication cable in the selected metropolitan area; [and] displaying the location of the installed high bandwidth telecommunication cable owned by the selected vendors over the geographical map of the selected metropolitan area.”

Unlike Planas, LeBlanc, Perry, and Tonelli, the claimed invention of independent claims 1, 11, and 22 displays one or more vendors who own installed telecommunication cable, receives a user’s selection of one or more vendors who own installed telecommunication cable, and displays graphical information pertaining to the selected vendors. Planas, on the other hand, discloses network objects, which are “*products* produced by a variety of different vendors and

include nodes, links, and shelf based equipment.” See *Planas* at col. 1, lines 46-48 (emphasis added). It is respectfully submitted, however, that *Planas* does not disclose displaying one or more vendors who own installed telecommunication cable, receiving a user’s selection of one or more vendors who own installed telecommunication cable, or displaying graphical information pertaining to the selected vendors.

In addition, Tonelli fails to overcome the deficiencies of *Planas*, *LeBlanc*, and *Perry*. Tonelli discloses a device database that stores a list of devices. See *Tonelli*, col. 7, lines 36-38. “Loading the device database causes a list ...of vendors to be displayed.” *Id.* at lines 42-44. “To retrieve a list of device model names from a particular vendor, the user moves the cursor over the plus sign [+] associated with the vendor name and clicks the left mouse button.” *Id.* at lines 45-48. “Once the list of devices is displayed, the user may drag a device directly from the list to the design sheet or the user may generate a custom device palette by dragging device from the list to a device palette.” *Id.* at lines 50-53. While Tonelli mentions device vendors, Tonelli fails to disclose displaying one or more vendors who own *installed* telecommunication cable, as recited in amended claims 1, 11, and 11.

In addition, Tonelli fails to disclose receiving a user’s selection of one or more vendors who own installed telecommunication cable. While Tonelli discusses a device database having a list of vendors, Tonelli does not disclose receiving a user’s selection of a vendor. Rather, Tonelli discloses selecting a *device* from the list in the device database.

Finally, Tonelli also fails to disclose displaying graphical information pertaining to the selected vendors. While Tonelli discusses generating a custom device palette by dragging device from the list to a device palette, Tonelli does not disclose displaying graphical information pertaining to selected vendors. Accordingly, *Planas*, *LeBlanc*, *Perry*, and *Tonelli*, individually

and in combination, fail to teach or suggest all the limitations of amended independent claims 1, 11, and 22. Accordingly, for at least the reasons set forth above, the obviousness rejection of claims 1, 11, and 22 should be withdrawn.

Dependent claims 2-10, 12-21, and 23-36 further define novel features of the claimed embodiments and each depend either directly or indirectly, from one of the independent claims 1, 11, and 22. Accordingly, for at least the reasons set forth above with respect to independent claims 1, 11, and 22, dependent claims 2-10, 12-21, and 23-36 are believed to be in condition for allowance by virtue of their dependency. *See, In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988); *see also*, MPEP § 2143.01. As such, withdrawal of the obviousness rejection of dependent claims 2-10, 12-21, and 23-36 is respectfully requested.

CONCLUSION

Applicant respectfully requests timely entry of this Response and passing of this application to issue. Should, however, any issues remain before issuing this application, the Examiner is urged to contact the undersigned to resolve the same. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 21-0765 referencing Attorney Docket No. 2217/SPRI.103013.

Respectfully submitted,

Date: August 15, 2007.

/Kelly T. Feimster/

Kelly T. Feimster
Reg. No. 57781

Shook, Hardy & Bacon L.L.P.
2555 Grand Blvd.
Kansas City, Missouri 64108-2613
(816) 474-6550